

## **REMARKS:**

### Amendments to claims

Claim 1 has been amended to more clearly set out the present invention. More specifically, claim 1 has amended by adding the limitation that “the fluid inlet is stationary relative to the mounting surface”, thereby setting out that the present invention is not concerned with a “revolver” needle magazine.

The amendment is based on the exemplary embodiments as originally disclosed, see the embodiments in figs. 2 and 7 respectively, both disclosing a fluid inlet (153 and 253 respectively) which is stationary relative to the mounting surface.

A new dependent claim 26 has been added in which it is further defined that “the needles are arranged non-rotationally relative to the mounting surface”, this as also shown in the figs. 2 and 7 embodiments as well as in the embodiments of figs. 9 and 10.

No further amendments have been made to the claims.

### Claim rejections – 35 USC 103

The examiner has rejected claims 1-8, 12, 14-17 21 and 24 under 35 USC 103(a) as being unpatentable over Groth (WO 01/93927) in view of Millerd (US 4,734,092).

The Examiner has argued that Groth teaches a “common fluid conduit member” in the form of the neck and seal of the vial, the neck and seal serving as a common fluid conduit member adapted to receive fluid from a fluid source in the form of the vial 9.

Applicant respectfully submits that the Examiner has “created” a structure that is not disclosed in Groth. More specifically, Groth discloses a vial which consecutively can be arranged in fluid communication with a number of needles, however, the fluid communication is not provided by a common fluid conduit but by inserting a given needle directly into the vial. To establish a common fluid conduit the Examiner has cut the vial structure in two to separate the neck and the main body of the vial. In this way a structure that is not disclosed or taught in Groth has been “created”. Applicant submits that the vial represents a unitary reservoir structure that cannot be artificially divided to create structures which are not there and which the skilled person would thus never recognize.

However, to even further distinguish the present invention from Groth claim 1 has been amended to further specify that the fluid inlet is stationary relative to the mounting surface. As the needle magazine in Groth is based on the “revolver principle” the magazine will be rotated relative to the vial to consecutively position the needles in front of the vial. Thus, if the needle magazine was to be provided with an adhesive to create a skin mounting surface the opposite motion would have to take place, i.e. the vial would have to be rotated relative to the magazine and thus the mounting surface.

As appears, if the vial was arranged non-rotationally relative to the mounting surface the revolver magazine in Groth would be non-operational. As neither Groth nor any other of the cited references provide a solution or suggestion on how to solve this problem, it follows that the invention as now claimed cannot be obvious in view of the cited references.

Further, as also stated in Applicants earlier submissions, although the magazine in Groth is provided with a lower surface which allows it to be arranged on a skin surface during injection of an amount of drug, it is clear from the disclosure in Groth that the magazine is not intended for permanent placement on a skin surface but merely as a means for providing a cartridge with a new and sterile needle before each injection. Corresponding to the intended use, Groth discloses that the user will rotate the shell relative to the cartridge before and after use to position a needle relative to the cartridge, see page 3, lines 4-25.

Although it may be argued that it would also be possible to rotate the cartridge relative to the shell, it is clear from Groth that this is not the intended use of the disclosed magazine. Further, the provision of an adhesive on the lower surface of the magazine shell would prevent the magazine to be used in the way taught by Groth, thereby teaching away from such a modification.

### Conclusion

In conclusion, Groth, alone or in view of any of the references on file, fail to make obvious to the skilled person a device as defined in amended claim 1.

All further claims are dependent upon an independent claim.

In view of the above, applicants respectfully submit that all claims are in condition for allowance.

The Commissioner is hereby authorized to charge any fees, including fees for extensions of time, in connection with this application and to credit any overpayments to Deposit Account No. 14-1447. Should the Examiner have any questions or concerns, she should feel free to contact the applicants' attorney to discuss them.

Respectfully submitted,

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